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3732

PTO/SB/21 (09-04)  
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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/869,813
	Filing Date	January 3, 2002
	First Named Inventor	Lawrence M. Boyd
	Art Unit	3732
	Examiner Name	David C. Comstock
Total Number of Pages in This Submission	Attorney Docket Number	MSDI-303/PC379.04

ENCLOSURES (Check all that apply)		
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Krieg DeVault LLP		
Signature			
Printed name	Brad A. Schepers		
Date	November 23, 2005	Reg. No.	45,431

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re patent application of:	)	Before the Examiner
Lawrence M. Boyd et al.	)	David C. Comstock
	)	
Application Serial No. 09/869,813	)	Group Art Unit 3732
	)	
Filed January 3, 2002	)	Ref. No. MSDI-303/
	)	PC379.04
INTERVERTEBRAL SPACERS WITH SIDE	)	
WALL ACCESSIBLE INTERIOR CAVITY	)	November 23, 2005

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to the duty of disclosure embodiment in 37 C.F.R. §1.56, Applicant wishes to bring to the attention of the Examiner the following patents, publication and/or other information listed on the attached PTO Form 1449. This information is not believed to have previously submitted in this application, and has not heretofore been cited by the Examiner. Also enclosed herewith is a search report from corresponding European Patent Application No. 05076786.2 in which the enclosed references were cited. The European application claims priority to the same parent application as the subject application. The filing of this Supplemental Information Disclosure Statement shall not construed as an admission that the information cited is, or is considered to be, material to patentability as defined in §1.56 or prior art.

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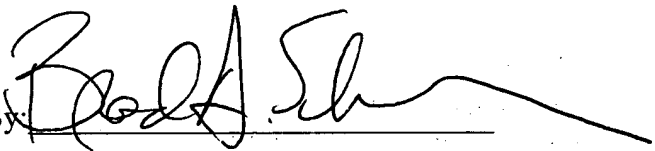
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This Statement is being submitted under 37 C.F.R. 1.97(c) after the mailing of a non-final office action on the merits and before the mailing of a final office action, notice of allowance, or any other action that closes prosecution on the merits. A statement under 1.97(e) is provided as follows:

Each item of information contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.

Accordingly, no fee is believed to be due. However, should any fee be required, please charge such fee to Deposit Account No. 12-2424.

Respectfully submitted,

By: 

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**Complete if Known**

**(Use as many sheets as necessary)**

Sheet

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of

1

Application Number	09/869,813
Filing Date	January 3, 2002
First Named Inventor	Lawrence M. Boyd
Art Unit	3732
Examiner Name	David C. Comstock
Attorney Docket Number	MSDI-303/PC379.04

[illegible]

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
		WO 96/39988	12-19-1996			
		WO 98/55052	12-10-1998			

**Examiner  
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Date  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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